

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH GATTO,

Plaintiff,

- against -

FUJITEC AMERICA, INC.,

Defendant.

ORDER

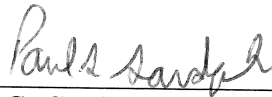
21 Civ. 9754 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

In support of its motion for summary judgment, Defendant has submitted a declaration from Joseph Rennekamp, with attached exhibits that bear Bates stamps. (Rennekamp Decl. (Dkt. No. 40)) In Plaintiff Gatto's Local Rule 56.1 Counterstatement, he asserts that the email chain attached as Exhibit A to the Rennekamp declaration constitutes "new evidence" that was not produced during discovery. (Pltf. R. 56.1 Counterstmt. (Dkt. No. 42-1) ¶¶ 118-119) Given that the email chain at issue contains Bates stamps, and was referenced at depositions (see, e.g., Antonello Dep. (Dkt. No. 35-4) at 88), Plaintiff will make a submission by **May 10, 2024** explaining the basis for asserting that the email chain constitutes "new evidence."

Dated: New York, New York
May 3, 2024

SO ORDERED.



Paul G. Gardephe
United States District Judge